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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,912	01/14/2002	Koichiro Utsumi	1163-0386P	9896

2292 7590 08/01/2003

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FALLS CHURCH, VA 22040-0747

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/030,912

Applicant(s)

UTSUMI ET AL.

Examin r

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communicati n appears on the cover sheet with the corresp ndence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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8

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 5/9/2003. As per request, claims 1-3 have been cancelled; claims 4, and 8 have been amended. Thus, claims 4-10 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8, is rejected under 35 U.S.C.102(b) as being anticipated by Nomura (5,371,678).

As per claim 8, Nomura discloses a navigation device comprising: a storage means for storing map data containing road time restriction information, and a route searching means for searching a route to a destination referring to the map data stored in the storage means (see column 2, line 36 to column 3, line 25; and column 3, line 50 to column 5, line 19), and a display means for displaying the route searched by the route searching means, wherein the display displays details of the time restriction when a road with time restrictions is present in the route searched (see column 5, line 54 to column 6, line 3; and column 6, line 43 to column 8, line 36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,7, and 9, are rejected under 35 U.S.C.103(a) as being unpatentable over Nomura (5,371,678) in view of Ito et al. (6,470,266).

As per claim 4, Nomura discloses a navigation device comprising: a storage means for storing map data containing road time restriction information, and a route searching means for searching a route to a destination referring to the map data stored in the storage means (see column 2, line 36 to column 3, line 25; and column 3, line 50 to column 5, line 19), and a display means for displaying the route searched by the route searching means (see column 5, line 54 to column 6, line 3; and column 6, line 43 to column 8, line 36). Nomura does not disclose output the optimal route with time restriction and at the same time searches a route by-passing the road with time restriction. However, Ito et al. disclose when a road with time restriction is present in an optimal route to the destination, the route searching outputs the optimal route to the display (see column 3, line 45 to column 4, line 32; and column 5, lines 38-60), and at the same time searches a route by-passing the road with time restriction and outputs the route by-passing the road with time restriction to the display (see column 6, line 13 to column 7, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura by combining when a road with time restriction is present in an optimal route to the destination, the route searching outputs the optimal route to the display, and at the same time searches a route by-passing the road with time restriction and outputs the route by-passing the road with time restriction to the display enable a driver to select the best optimal route that is less time and results in a minimum total vehicle travel cost to the destination.

As per claim 7, Nomura does not disclose displays details of the time restriction before a user reaches a branching point of the road. However, Ito et al. disclose displays details of the time restriction before a user reaches a branching point of the road with time restriction and the by-pass road (see column 5, line 61 to column 6, line 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura by combining displays details of the time restriction before a user reaches a branching point of the road with time restriction and the by-pass road for the driver can make appropriate decision whether to enter the road with time restriction or to use another by-pass road that is less time and minimum cost of travel to the destination.

Also, as per claim 9, Ito et al. disclose setting is provided which sets whether or not to avoid traveling on the road with time restriction (see column 6, line 13 to column 7, line 6).

6. Claims 5-6, and 10, are rejected under 35 U.S.C.103(a) as being unpatentable over Nomura (5,371,678), and Ito et al. (6,470,266) as applied to claims 4, and 9 above, and further in view of Desai et al. (5,862,509).

As per claims 5-6, Nomura, and Ito et al. do not disclose display a plurality of route. However, Desai et al. discloses displays each route separately when a plurality of routes are output from the route searching, and selects a route to be actually traveled when a plurality of routes are output from the route searching (see column 7, line 33 to column 8, line 32; and column 9, line 1 to column 10, line 41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura, and Ito et al. by combining displays each route separately when a plurality of routes are output from the route

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searching for the user have many options to choose a best route that is less time and less cost of travel.

Also, as per claim 10, Desai et al. discloses a setting is performed in order to avoid traveling on the road with time restriction, the route searching re-searches a route by-passing the road with time restriction (see the abstract).

Remarks

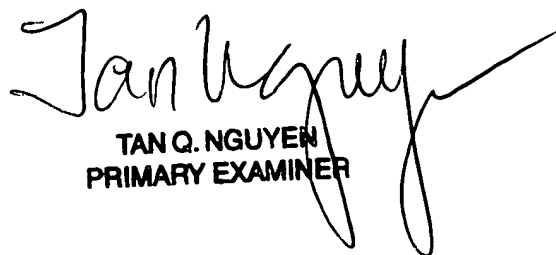
7. Applicant's argument filed on 5/9/03 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
July 25, 2003


TAN Q. NGUYEN
PRIMARY EXAMINER